

Interview Summary	Application No.	Applicant(s)	
	10/644,769	HONDA, YOSHIO	
	Examiner	Art Unit	
	William J. Klimowicz	2627	

All participants (applicant, applicant's representative, PTO personnel):

(1) William J. Klimowicz. (3) _____

(2) Mark Wallerson (reg. no. 59043). (4) _____

Date of Interview: 15 October 2007.

Type: a) Telephonic b) Video Conference
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.
If Yes, brief description: _____.

Claim(s) discussed: 1.

Identification of prior art discussed: Miyazaki (JP 2002-117644 A).

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

WILLIAM KLIMOWICZ
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussion of claim 1 as it relates to the application of Miyazaki (JP 2002-117644 A) to the claims of the present application, particularly claim 1. In the Office action mailed July 24, 2007, the Examiner maintained that, as per claim 1, the Miyazaki (JP 2002-117644 A) discloses a recording medium cartridge comprising: a cartridge case (1); a recording medium (e.g., tape (3) wound around tape reel) housed in the cartridge case (1); and a cartridge memory (11) comprises an IC chip and an antenna (one of the antennae 12, which are separate from the chip (11) by being on another chip board, or spaced from the chip (11) by material (10a) as seen in Figure 3) electrically connected to said IC chip (11); and wherein said antenna (12) is spaced apart from said IC chip (11) - (one of the antennae 12, which are separate from the chip (11) by being on another chip board, or spaced from the chip (11) by material (10a) as seen in Figure 3); said IC (11) is formed on a first board (e.g., substrate (10)) and the antenna (12) is formed on a second board (e.g., a film, substrate); and wherein the second board (film substrate) is separate and spaced from the first board (substrate (10)) - see enclosed English-machine translation of Miyazaki (JP 2002-117644 A) enclosed herewith at paragraph [0028]. Moreover, the Examiner maintained that each board (10a, 10b), in toto, are in fact separate in the broad sense that each has its own distinct structure or individual support function. That is board (10a) supports chip (11) along a sidewall of the tape cartridge, while board (10b) includes an exclusive antenna (12) formed distinctly and exclusively on board (10b) along a long face of the cartridge body. Moreover still, the Examiner maintained that even assuming that the boards and/or film substrates, as articulated in the Office action made FINAL, could not be construed as separated and spaced, the Examiner maintains that merely providing a separation or other barrier between the boards (10a) and (10b) would have been obvious to one having ordinary skill in the art at the time of the Applicant's invention. An invention that would have been obvious is not patentable. KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 82 USPQ2d 1385 (2007). As set forth in KSR, "[i]f a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability." The operative question is thus "whether the improvement is more than the predictable use of prior art elements according to their established functions." Id. Given, the teachings of Miyazaki (JP 2002-117644 A), the level of skill in the art, and small difference between providing the boards as being integral or separated physically or by a very small barrier, the Examiner concludes that the substitution of a such a small barrier in place of the integral connection taught by Miyazaki (JP 2002-117644 A) would have been obvious for common sense reasons such as, processing and manufacturing the chips and antennas in a separate manner, thus providing the ability to reject malfunctioning chips, while keeping antennae, formed on a separate board, and properly functioning - thus one would not have to completely discard the entire boards (10a-10c), just the board with the malfunctioning chip or antenna. The Examiner and Applicant, however, did come to an agreement that if claim 1 were amended to incorporate a limitation whereby the claim recited an electrical connection between the antenna and the IC chip is not supported by either of the IC chip board or the antenna chip board, the claim may be favorably considered.